

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 5:07CR3
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
DENNIS GEORGE MILLER,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge David S. Perelman, regarding the change of plea hearing of , which was referred to the Magistrate Judge with the consent of the parties.

On January 3, 2007, the government filed a one-count indictment, charging Defendant, Dennis George Miller, with Illegal re-entry following deportation in violation of Title 8 United States Code, Section 1326. On January 16, 2007, Defendant Miller was arraigned and entered a plea of not guilty before Magistrate Judge James S. Gallas. On November 19, 2007, Magistrate Judge David S. Perelman received Defendant Miller's plea of guilty to count one of the indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Miller is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Miller is adjudged guilty of Count 1 of the indictment, in violation of Title 8 United States Code, Section 1326. This matter is referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on February 20, 2008, at 10:00 a.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR. _____
UNITED STATES DISTRICT JUDGE